STATUTORY INSTRUMENTS

1975 No. 1173

WEIGHTS AND MEASURES

The Measuring Instruments (EEC Requirements) Regulations 1975

Made - - - -	15*th July* 1975
Laid before Parliament	25*th July* 1975
Coming into Operation	18*th August* 1975

The Secretary of State, being a Minister designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or for purposes ancillary thereto, in exercise of the powers conferred by that section, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Measuring Instruments (EEC Requirements) Regulations 1975 and shall come into operation on 18th August 1975.

Pattern approval and initial verification: the EEC signs and marks

2.—(1) The EEC signs and marks referred to in these regulations are the signs and marks described in Schedule 1 to these regulations, which relate to EEC pattern approval and EEC initial verification.

(2) In these regulations references to an EEC sign or mark of a description mentioned in column 1 below are references to the sign or mark described in the paragraph of Schedule 1 to these regulations specified in column 2 below in relation to that sign or mark.

(**a**) The European Communities (Designation) Order 1975, S.I. 1975/427 (1975 I, p. 1345).
(**b**) 1972 c. 68.

EEC sign or mark	*Paragraph of Schedule 1 describing the sign or mark*
The sign of EEC pattern approval	Paragraph 1
The sign of EEC limited pattern approval ...	Paragraph 2
The sign of exemption from EEC pattern approval	Paragraph 3
The sign of EEC pattern approval and exemption from EEC initial verification	Paragraph 4
The mark of EEC initial verification	Paragraph 5
The mark of EEC partial verification	Paragraph 6

(3) In these regulations, references to the United Kingdom version of a sign or mark mentioned in column 1 of paragraph (2) above are references—

(*a*) to the sign or mark appropriate, in accordance with the provisions of Schedule 1 to these regulations, for an EEC pattern approval granted or (as the case may be) an EEC initial verification carried out in the United Kingdom; or

(*b*) in the case of the sign of exemption from EEC pattern approval, to the sign appropriate, in accordance with paragraph 3 of that Schedule, for an instrument constructed in the United Kingdom and exempt from EEC pattern approval.

Application of these regulations

3. Subject to any further provision which may be made under section 2(2) of the European Communities Act 1972 for applying these regulations to any other category of measuring instruments, these regulations apply to instruments of the following categories only:—

(*a*) instruments of a category to which the Directive on medium accuracy bar weights and cylindrical weights applies;

(*b*) instruments of a category to which the Directive on meters for liquids other than water applies;

(*c*) instruments of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies;

(*d*) instruments of a category to which the Directive on ancillary equipment for meters for liquids other than water applies;

(*e*) instruments of a category to which the Directive on material measures of length applies; and

(*f*) instruments of a category to which the Directive on above-medium accuracy weights applies.

Interpretation and extent

4.—(1) In these regulations—

"the Directive on medium accuracy bar weights and cylindrical weights" means Council Directive No. 71/317/EEC(**a**);

"the Directive on meters for liquids other than water" means Council Directive No. 71/319/EEC(**b**);

(**a**) O.J. No. L202, 6.9.1971, p. 14 (O.J./S.E. 1971 (II) p. 721).
(**b**) O.J. No. L202, 6.9.1971, p. 32 (O.J./S.E. 1971 (III) p. 740).

"the Directive on the measuring of the standard mass per storage volume of grain" means Council Directive No. 71/347/EEC(**a**), as amended(**b**);

"the Directive on ancillary equipment for meters for liquids other than water" means Council Directive No. 71/348/EEC(**c**), as amended(**d**);

"the Directive on material measures of length" means Council Directive No. 73/362/EEC(**e**);

"the Directive on above-medium accuracy weights" means Council Directive No. 74/148/EEC(**f**);

"inspector" means, in Great Britain, an inspector of weights and measures appointed or deemed to have been appointed under section 41 of the Weights and Measures Act 1963(**g**), and means, in Northern Ireland an inspector of weights and measures appointed under section 27 of the Weights and Measures Act (Northern Ireland) 1967(**h**);

"instrument" includes ancillary equipment;

"local weights and measures authority", in relation to any functions under these regulations of any such authority which are for the time being the subject of any arrangements made by such authority for the discharge of any of its functions by another local authority, includes the authority by whom those functions fall to be exercised under the arrangements;

"manufacturer", where more than one person is responsible for the manufacture of an instrument, means the person responsible for the final stage of manufacture;

"use for trade", in relation to any measuring instrument, has, in Great Britain, the same meaning as it has in section 9 of the Weights and Measures Act 1963 and has, in Northern Ireland, the same meaning as it has in section 3 of the Weights and Measures Act (Northern Ireland) 1967, in relation to weighing or measuring equipment within the meaning of those Acts; subject however to the addition at the end of subsection (2)(*a*) of the said section 9 and at the end of subsection (2)(*a*) of the said section 3 of the words "and any member state other than the United Kingdom".

(2) In these regulations "the relevant Directive" means—

(*a*) in the case of a category of instruments to which these regulations apply by virtue of regulation 3 above, the Directive mentioned as applying to that category in paragraph (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) of that regulation;

(*b*) in the case of any category of instruments to which these regulations are applied by virtue of any further provision made under section 2(2) of the European Communities Act 1972, the Council Directive laying down technical requirements for that category of instruments.

(**a**) O.J. No. L239, 25.10.1971, p.1 (O.J./S.E. 1971 (III) p. 852).
(**b**) Cmnd. 5179—I p. 181.
(**c**) O.J. No. L239, 25.10.1971, p.9 (O.J./S.E. 1971 (III) p. 860).
(**d**) Cmnd. 5179—I p. 182.
(**e**) O.J. No. L335, 5.12.1973. p. 56.
(**f**) O.J. No. L84, 28.3.1974, p. 3.
(**g**) 1963 c. 31.
(**h**) 1967 c. 6 (N.I.)

(3) The Interpretation Act 1889(**a**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(4) Subject to the provisions set out in Schedule 5 hereto, these regulations shall extend to Northern Ireland.

PART II

EXEMPTION OF INSTRUMENTS BEARING CERTAIN EEC SIGNS AND MARKS FROM LEGAL RESTRICTIONS IN THE UNITED KINGDOM

5.—(1) Section 10(1)(*b*) of the Weights and Measures Act 1963 (prohibition on use for trade of any weight not included in Schedule 3 to that Act) and section 4(1)(*b*) of the Weights and Measures Act (Northern Ireland) 1967 (prohibition on use for trade of any weight not included in Schedule 1 to that Act) shall not apply to a weight of 50 kilogrammes which bears the mark of EEC initial verification.

(2) Section 11(2) of the said Act of 1963 and section 5(2) of the said Act of 1967 (prohibition on the use for trade etc. of weighing or measuring equipment of a class or description prescribed under section 11 or section 5, as the case may be, without its having been passed as fit for such use) shall not apply to any instrument which bears either—

(*a*) the sign of EEC pattern approval and exemption from EEC initial verification, or

(*b*) the mark of EEC initial verification.

(3) An instrument (including any weight) which bears the sign or mark mentioned in paragraph (2) above shall not be found false or unjust for the purposes of section 16(1) of the said Act of 1963 or section 10(1) of the said Act of 1967 (prohibition on use for trade etc. of any weighing or measuring equipment which is false or unjust) by reason solely of any inaccuracy in the functioning of the instrument, if the error in question is not such as to permit the obliteration of the sign or mark under regulation 20(1)(*a*) below.

(4) This regulation only applies if the sign or mark remains undefaced otherwise than by reason of fair wear and tear.

PART III

EEC PATTERN APPROVAL AND INITIAL VERIFICATION IN THE UNITED KINGDOM

Introductory

6.—(1) This Part of these regulations contains provisions with respect to the grant, extension and revocation of EEC pattern approval in the United Kingdom and the carrying out of EEC initial verification in the United Kingdom and generally with respect to the application in the United Kingdom of the EEC signs and marks.

(2) The following Table indicates, in relation to each Directive mentioned in regulation 3(1) above, whether it provides for both pattern approval and initial verification, or just one of them, in relation to instruments of a category to which it applies.

(**a**) 1889 c. 63.

TABLE

Directive	Whether it provides for pattern approval or initial verification, or both	
	Pattern approval	Initial verification
The Directive on medium accuracy bar weights and cylindrical weights.	No	Yes
The Directive on meters for liquids other than water.	Yes	Yes
The Directive on the measuring of the standard mass per storage volume of grain.	Yes	Yes
The Directive on ancillary equipment for meters for liquids other than water.	Yes	Yes
The Directive on material measures of length.	Yes	Yes
The Directive on above-medium accuracy weights.	No	Yes

EEC pattern approval

7.—(1) Where any pattern of instrument is submitted to the Secretary of State for the purpose by the manufacturer or his authorised representative, the Secretary of State shall, on payment of such fee as may be prescribed by, or determined under, regulations made under section 56 of the Finance Act 1973(**a**) conduct an examination, and if the Secretary of State is satisfied that the pattern conforms to the requirements of the relevant Directive, he shall, subject to the provisions of this regulation, grant EEC pattern approval of that pattern and issue a certificate in respect thereof.

(2) Where EEC pattern approval granted under this regulation is in force in respect of a pattern of instrument, the manufacturer or his authorised representative may apply for approval of modifications or additions to the approved pattern; and on any such application the Secretary of State shall, on payment of such fee as may be prescribed or determined as aforesaid, conduct an examination of the pattern of instrument with the modifications or additions proposed, and if he is satisfied that the pattern with those modifications or additions conforms to the requirements of the relevant Directive he shall, subject to the provisions of this regulation, grant EEC pattern approval of that pattern with those modifications or additions and issue a certificate in respect thereof.

(3) The Secretary of State shall not grant EEC pattern approval under paragraph (1) or paragraph (2) of this regulation in respect of any pattern of instrument unless he is satisfied that no application for EEC pattern approval has been made by or on behalf of the manufacturer in any other member State in respect of that pattern.

(**a**) 1973 c. 51.

(4) The Secretary of State shall cause particulars of any EEC pattern approval granted under this regulation to be published.

(5) Subject to any restriction imposed under regulation 8 or 9 below, EEC pattern approval shall be valid for a period of ten years and its validity may be extended for successive periods of ten years.

(6) If the Secretary of State refuses to grant EEC pattern approval under this regulation or to extend the period of validity of EEC pattern approval he shall give to the applicant a statement in writing of his reasons for the refusal.

(7) Schedule 2 to these regulations shall apply for regulating the conduct in the United Kingdom of EEC pattern approval.

(8) Where in accordance with Schedule 2 to these regulations a certificate of EEC pattern approval in respect of any pattern of instrument varies or disapplies any requirement of the relevant Directive, references in these regulations (however expressed) to the requirements of the relevant Directive shall be construed, in relation to instruments of that pattern, as references to those requirements with appropriate variations and omissions; and where in accordance with that Schedule a certificate of EEC pattern approval imposes any requirements or restrictions in addition to those of the relevant Directive references in these regulations to conformity to the pattern shall be construed, in relation to instruments of that pattern, as including references to conformity to those requirements or restrictions.

8.—(1) The initial period of validity of EEC pattern approval and any extension of the initial period, may be restricted to a period of less than ten years.

(2) EEC pattern approval may be granted or extended subject to any one or more of the following conditions—

(*a*) a condition limiting the number of instruments which may be submitted for initial verification by reference to the pattern in question;

(*b*) a condition requiring written notice of the place of installation to be given to the competent authorities of member States in which instruments of the pattern in question are to be installed;

(*c*) a condition limiting the use of instruments of the pattern in question.

9.—(1) Where new techniques which are not provided for in the relevant Directive are employed, but the maximum permissible errors laid down by the relevant Directive are not exceeded, EEC pattern approval may be granted, but the initial period of validity of EEC pattern approval granted by virtue of this regulation shall be restricted to a period of two years or less, and only one extension of that period, for a period of three years, may be granted.

(2) EEC pattern approval granted by virtue of this regulation may be subject to any one or more of the conditions specified in regulation 8(2) above and to any special conditions with respect to the techniques used.

EEC limited pattern approval

10. Where EEC pattern approval is granted or extended (whether under these regulations or by any member State other than the United Kingdom) subject to any restriction on its initial period of validity or (as the case may be) on the period of extension or to any such condition as is mentioned in regulation 8(2) or 9(2) above the pattern approval is a limited pattern approval

and is hereafter in these regulations referred to as such; but references in these regulations to EEC pattern approval include references to EEC limited pattern approval, unless the context otherwise requires.

Revocation of EEC pattern approval

11.—(1) Subject to the provisions of this regulation, the Secretary of State may, after consultation with such persons appearing to him to be interested as he thinks fit, revoke any pattern approval granted under these regulations.

(2) A pattern approval may be revoked on any one or more of the following grounds, that is to say—

(*a*) if instruments constructed according to the pattern in question reveal in service a defect of a general nature which makes them unsuitable for their intended use;

(*b*) if instruments which are exempt from EEC initial verification on the basis that they are constructed in accordance with the pattern to which that pattern approval relates do not conform to the pattern in question or do not conform to the requirements of the relevant Directive;

(*c*) if the metrological requirements specified in the certificate of pattern approval are not satisfied;

(*d*) if any condition imposed under regulation 8(2) or 9(2) above is contravened.

(3) The Secretary of State shall cause notice of any revocation of a pattern approval under this regulation to be published.

(4) If the Secretary of State revokes a pattern approval he shall give a statement in writing of his grounds for doing so to any person appearing to him to be concerned.

Application of EEC signs relating to pattern approval or exemption from pattern approval

12.—(1) Where an EEC pattern approval (whether granted under these regulations or by any member State other than the United Kingdom) is in force in respect of any pattern of instrument, and EEC initial verification is not required by the relevant Directive for instruments of the category to which it belongs, the manufacturer shall cause the sign of EEC pattern approval and exemption from initial verification to be affixed to all instruments conforming to the approved pattern.

(2) Where an EEC pattern approval (whether granted under these regulations or by any member State other than the United Kingdom) is in force in respect of any pattern of instrument, but instruments of the category to which it belongs are required by the relevant Directive to be submitted for EEC initial verification, the manufacturer may or, if the relevant Directive so requires, shall cause the sign of EEC pattern approval or, where the pattern approval is a limited pattern approval, the sign of EEC limited pattern approval to be affixed to instruments conforming to the approved pattern.

(3) Where the relevant Directive provides that a category of instruments to which it applies shall not be subject to EEC pattern approval, the manufacturer may, but need not, cause the United Kingdom sign of exemption from EEC pattern approval to be affixed to instruments of that category.

(4) Any sign affixed in accordance with this regulation shall be affixed at a visible point on the instrument and must be legible and indelible.

EEC initial verification

13.—(1) An application for consideration of any instrument (other than an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies) for EEC initial verification shall be made to an inspector in such manner as the local weights and measures authority may direct.

(2) The inspector shall determine—

(*a*) whether the instrument belongs to a category exempt from EEC pattern approval and, if so, whether it conforms to the requirements of the relevant Directive;

(*b*) where EEC pattern approval is required for instruments of the category in question, whether an EEC pattern approval is in force in respect of the instrument and, if so, whether it conforms to the approved pattern.

(3) Where the inspector is satisfied—

(*a*) that the instrument conforms to the requirements of the relevant Directive; and

(*b*) where EEC pattern approval is required for instruments of the category in question, that an EEC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern;

he shall cause to be affixed to the instrument the United Kingdom mark of EEC initial verification or the United Kingdom mark of EEC partial verification, as the case may require, and shall at the same time cause to be applied any seals required by the relevant Directive to be applied in connection with initial verification.

(4) If the inspector refuses to cause any EEC mark to be affixed to an instrument he shall give to the applicant a statement in writing of his reasons for the refusal.

(5) Each inspector shall keep a record of all tests and examinations carried out by him under this regulation.

(6) Where an EEC pattern approval is subject to a condition limiting the number of instruments which may be submitted for initial verification by reference to the pattern in question, a person who makes an application, or causes or permits the making of an application, which if granted would contravene the condition, shall be guilty of an offence unless it is shown that he did not know, and had no reason to believe, that it would or might contravene the condition.

(7) Schedule 3 to these regulations shall apply for regulating the conduct in the United Kingdom of EEC initial verification.

(8) In this regulation and in Schedule 3 to these regulations references to affixing a mark to an instrument include references to affixing a mark on any container, packaging or other thing associated with an instrument where that is authorised or required by the relevant Directive; and references in these regulations to an instrument bearing a mark shall be construed as including references to an instrument to which a mark has been applied by being so affixed (whether under these regulations or under the law applicable in any member State other than the United Kingdom).

(9) In the case of an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies the application for EEC initial verification shall be made to the Secretary of State, and the preceding provisions of this regulation and the provisions of Schedule 3 shall have effect as if—

(*a*) references to an inspector and to the local weights and measures authority were references to the Secretary of State; and

(*b*) in paragraph (1) after the word "direct" there were added the words "and shall be subject to the payment of such fee as may be prescribed by, or determined under, regulations made under Section 56 of the Finance Act 1973".

PART IV

SUPPLEMENTARY PROVISIONS

Interpretation of Part IV

14. In this Part of these regulations—

"occupier", in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

"premises" includes any place and any stall, vehicle, ship or aircraft; and

"ship" includes any boat and any other description of vessel used in navigation.

Enforcement of conditions applicable to EEC limited pattern approval

15. Where an EEC limited pattern approval is subject to either or both of the following conditions, that is to say—

(*a*) a condition requiring written notice of the place of installation to be given to the competent authorities of member States in which instruments of the pattern in question are to be installed;

(*b*) a condition limiting the use of instruments of the pattern in question;

any person who, knowing that any such condition applies to any instrument—

(i) uses for trade, or causes or permits any other person so to use, that instrument knowing that notice has not been given as required by the condition mentioned in paragraph (*a*) above or (as the case may be) in contravention of the condition mentioned in paragraph (*b*) above; or

(ii) disposes of the instrument to any other person in a state in which it could be used for trade without informing that person of the condition;

shall be guilty of an offence, and the instrument shall be liable to be forfeited.

Effect of revocation of EEC pattern approval

16.—(1) Where an EEC pattern approval is revoked, whether under these regulations or by any member State other than the United Kingdom, any person who, knowing that the pattern approval has been revoked, uses for trade, or has in his possession for such use, or causes or permits any other person so to use, an instrument of the pattern in question bearing any EEC sign or mark related to that pattern approval, or disposes of any such instrument to any other person in a state in which it could be so used without informing that other person of the revocation, shall be guilty of an offence and the instrument shall be liable to be forfeited.

(2) Paragraph (1) above does not apply if any such sign or mark on the instrument has been obliterated under regulation 20 below.

(3) For the purposes of this regulation and regulations 17 and 20 below, an EEC sign or mark shall be regarded as related to a pattern approval if it is a sign framed by reference to that pattern approval or a mark of EEC initial verification which was affixed by reference to conformity to the pattern which was the subject of that pattern approval.

(4) Where any instrument is found in the possession of any person carrying on trade or on any premises which are used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of any proceedings for an offence under this regulation, unless the contrary is proved, to have that instrument in his possession for use for trade.

(5) A certificate by the Secretary of State stating that an EEC pattern approval granted by any member State other than the United Kingdom has been revoked and thereby ceased to have effect on a date specified shall be conclusive as to the matters certified in any proceedings for an offence under this regulation.

Effect of non-extension of EEC pattern approval

17. Where an EEC pattern approval, whether granted under these regulations or by any member State other than the United Kingdom, is not extended—

(*a*) these regulations shall, in relation to any instrument of the pattern in question which was used for trade before the pattern approval ceased to have effect, apply as if the pattern approval had continued in force;

(*b*) the manufacturer of any instrument of the pattern in question, bearing any EEC sign or mark related to that pattern approval, which has not been used for trade shall be guilty of an offence if, after the pattern approval has ceased to have effect, he disposes of the instrument to any other person, and the instrument shall be liable to be forfeited.

Temporary prohibition of sale or use

18.—(1) Where the Secretary of State is satisfied that instruments constructed according to a pattern in respect of which an EEC pattern approval granted by a member state other than the United Kingdom is in force reveal in service a defect of a general nature which makes them unsuitable for their intended use, he may issue a prohibition notice under this regulation with respect to instruments of that pattern.

(2) Where the Secretary of State is satisfied, in the case of any instruments which are exempt from EEC initial verification on the basis that they are constructed in accordance with a pattern to which an EEC pattern approval granted by a member State other than the United Kingdom relates, that they do not conform to the pattern in question or do not conform to the requirements of the relevant Directive, he may by notice require the manufacturer to ensure that any such instrument shall thereafter conform to that pattern or those requirements, or both, as the case may require; and if the manufacturer fails to comply with the notice within such period of time as may appear to the Secretary of State to be reasonable, the Secretary of State may issue a prohibition notice under this regulation with respect to instruments of the pattern in question.

(3) Regulation 16 above shall apply, with the necessary modifications, so long as a prohibition notice issued under this regulation is in force with respect to instruments of any pattern, as it applies in a case where pattern approval is revoked by the Secretary of State.

(4) A prohibition notice under this regulation shall give particulars of the pattern to which it relates.

(5) The Secretary of State may withdraw a prohibition notice at any time.

(6) If the Secretary of State issues a prohibition notice under this regulation he shall give a statement in writing of his grounds for doing so to any person appearing to him to be concerned.

(7) The Secretary of State shall cause to be published—

(*a*) any prohibition notice issued under this regulation; and

(*b*) notice of withdrawal of any such prohibition notice.

Re-testing after dismantling

19.—(1) Where in the case of any instrument bearing the mark of EEC initial verification—

(*a*) the verification of the instrument was carried out, whether under these regulations or in any member State other than the United Kingdom, in two or more stages; and

(*b*) since the mark was affixed to the instrument (within the meaning of Schedule 3 to these regulations) the instrument has been dismantled and reinstalled, whether in the place of original installation or in some other place;

the instrument shall not be used for trade after being so reinstalled until it has been re-tested by an inspector.

(2) If any person knowingly uses an instrument in contravention of paragraph (1) above, or knowingly causes or permits any other person so to use it, or knowing that the instrument is required by that paragraph to be re-tested disposes of it to some other person without informing him of that requirement, he shall be guilty of an offence and the instrument shall be liable to be forfeited.

(3) A certificate by the Secretary of State stating that EEC initial verification of an instrument was carried out in any member State other than the United Kingdom in two or more stages shall be conclusive as to the matter certified in any proceedings for an offence under this regulation.

(4) This regulation shall not apply in the case of an instrument if a certificate of EEC pattern approval in force in respect of instruments of the pattern in question authorises instruments of that pattern to be dismantled, provided that any conditions imposed by the certificate are satisfied.

Obliteration of EEC signs and marks

20.—(1) An inspector may obliterate any EEC sign or mark if he is satisfied—

(*a*) that the instrument bearing the sign or mark falls outside the relevant limits of error for instruments of the category to which it belongs; or

(*b*) that the instrument does not comply in any other respect with the requirements of the relevant Directive.

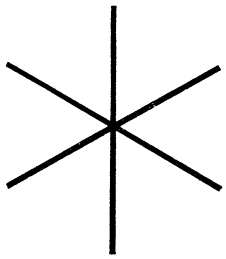
(2) In paragraph (1) above " the relevant limits of error " means the maximum permissible errors laid down by the relevant Directive for instruments in service or, if the relevant Directive does not specify maximum permissible errors for instruments in service, the maximum permissible errors laid down for instruments of the category in question by Schedule 4 to these regulations.

(3) Where the sole ground for obliterating any EEC sign or mark under paragraph (1) above is that given in sub-paragraph (*a*) of that paragraph, the inspector may, instead of immediately obliterating the sign or mark, serve upon the person in possession of the instrument a notice requiring him to ensure that the instrument is brought within the limits of error there mentioned before the expiry of twenty-eight days or such shorter period as may be specified in the notice.

(4) If a notice given under paragraph (3) above is not complied with the inspector shall obliterate the sign or mark in question.

(5) Without prejudice to paragraph (1) above, an inspector may, at the request of any person appearing to him to be the owner of an instrument, obliterate any EEC sign or mark on the instrument which is related to an EEC pattern approval (whether granted under these regulations or by any member State other than the United Kingdom) which the inspector is satisfied has ceased to have effect.

(6) Subject to paragraph (7) below, obliteration under this regulation shall be carried out by the inspector by means of punches or pincers of a six-pointed star design as shown in the following illustration;



(7) Paragraph (6) above shall not apply where in the opinion of the inspector it would be impossible to obliterate any EEC sign or mark by the method there specified; and in any such case obliteration shall be carried out in such other manner as the Secretary of State may direct, whether generally or in relation to signs or marks of any particular description.

(8) In the case of an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies, the preceding provisions of this regulation shall have effect as if—

(*a*) references to an inspector were references to the Secretary of State; and

(*b*) in paragraph (5) after the words " owner of an instrument " there were inserted the words " and on payment of such fee as may be prescribed by, or determined under, regulations made under Section 56 of the Finance Act 1973 ".

Unauthorised application of EEC signs and marks etc.

21.—(1) Subject to paragraph (2) below, any person who, in the case of any instrument—

(*a*) not being an inspector or a person acting under the authority of an inspector, marks in any manner any plug, seal or plate used or designed for use for the reception of any EEC mark; or

(*b*) not being a manufacturer authorised or required to do so under any provision of these regulations, or the duly authorised agent of any such manufacturer, marks any such instrument with any EEC sign; or

(*c*) forges, counterfeits or, except in accordance with regulation 20 above, in any way alters or defaces any EEC sign or mark; or

(*d*) removes any EEC sign or mark and inserts it into any other instrument; or

(*e*) makes any alteration in the instrument after any EEC sign or mark has been applied to it in accordance with these regulations, so that it no longer complies with the requirements of the relevant Directive;

shall be guilty of an offence.

(2) A person shall not be guilty of an offence under paragraph (1) above by reason solely of the destruction or obliteration of any sign, mark, plug, seal or plate in the course of the adjustment or repair of any instrument by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, instruments.

(3) Any person who uses for trade, sells or exposes or offers for sale any instrument which to his knowledge—

(*a*) bears any EEC sign or mark which is a forgery or counterfeit, or which has been transferred from another instrument, or which has been altered or defaced otherwise than under regulation 20 above or as permitted by virtue of paragraph (2) above; or

(*b*) does not comply with the requirements of the relevant Directive by reason of any alteration made in it after any EEC sign or mark was applied to it in accordance with these regulations;

shall be guilty of an offence.

(4) Any instrument in respect of which an offence under this regulation was committed, and any implement used in the commission of the offence, shall be liable to be forfeited.

(5) In the case of an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies this regulation shall have effect as if for the reference in paragraph (1)(*a*) above to an inspector or person acting under his authority were a reference to the Secretary of State or a person acting under his authority.

Powers of inspection and entry

22.—(1) Subject to the production if so requested of his credentials, an inspector may, within the area for which he was appointed inspector, at all reasonable times—

(*a*) inspect and test any instrument;

(*b*) enter any premises at which he has reasonable cause to believe there to be any instrument, not being premises used only as a private dwelling house.

(2) Subject to the production if so requested of his credentials, an inspector may at any time, within the area for which he was appointed inspector, seize and detain any article which he has reasonable cause to believe is liable to be forfeited under these regulations.

(3) If a justice of the peace, by information on oath—

(*a*) is satisfied and there is reasonable ground to believe that any such instrument or article as is mentioned in paragraph (1) or (2) above is on any premises, or that any offence under these regulations has been, is being or is about to be committed on any premises; and

(*b*) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent;

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

In the application of this paragraph to Scotland, the expression "a justice of the peace" shall be construed as including the sheriff.

(4) An inspector entering any premises by virtue of this regulation may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant under paragraph (3) above, being premises which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(5) If any inspector or other person who enters any work-place by virtue of this regulation discloses to any person any information obtained by him in the work-place with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(6) Nothing in this regulation shall authorise any inspector to stop any vehicle on a highway.

(7) In this regulation "credentials" means authority in writing from a person who is for the time being a justice of the peace (or, in Scotland, either the sheriff or a justice of the peace) for the exercise by the inspector in question of powers conferred by this regulation.

(8) For the purposes of paragraphs (1)(*b*) and (3) of this regulation an instrument means an instrument which is, or which the inspector has reasonable cause to believe to be—

(*a*) used for trade, or in possession of any person or on any premises for such use; or

(*b*) intended for despatch to another member state.

Obstruction of inspectors

23.—(1) Any person who—

(*a*) wilfully obstructs an inspector acting in the execution of any provision of these regulations; or

(*b*) without reasonable cause fails to give any inspector acting as aforesaid any other assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under these regulations;

shall be guilty of an offence.

(2) If any person, in giving an inspector any such information as is mentioned in paragraph (1) above, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this regulation shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

Offences by corporations

24.—(1) Where an offence under any provision of these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Prosecution and punishment of offences under these regulations

25. Proceedings for any offence under these regulations shall not, in England and Wales, be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.

26.—(1) Any person guilty of an offence under regulation 21 or 22 above shall be liable on summary conviction to a fine not exceeding £200, and any person guilty of an offence under regulation 23(1) shall be liable on summary conviction to a fine not exceeding £50.

(2) Any person guilty of an offence under any other provision of these regulations other than those mentioned in paragraph (1) above shall be liable on summary conviction to a fine not exceeding £20.

Alan Williams,
Minister of State,
Department of Prices and Consumer Protection.

15th July 1975.

SCHEDULE 1

PATTERN APPROVAL AND INITIAL VERIFICATION: THE EEC SIGNS AND MARKS

The EEC Signs

1.—(1) The sign of EEC pattern approval is a stylized letter ε containing—

(*a*) in the upper part, the distinguishing capital letter of the State which granted the approval (B for Belgium, DK for Denmark, D for the Federal Republic of Germany, F for France, IR for Ireland, I for Italy, L for Luxembourg, NL for the Netherlands and UK for the United Kingdom) and the last two digits of the year of approval; and

(*b*) in the lower part, an identification number determined by the metrological service of the State which granted approval.

(2) The following is an example of the sign of EEC pattern approval, in the form appropriate for an EEC pattern approval granted in the United Kingdom.



(3) The identification number in the lower part of the United Kingdom sign of EEC pattern approval shall be a number determined by the Secretary of State.

2.—(1) The sign of EEC limited pattern approval is the same as the sign of EEC pattern approval, with the addition of a letter P before the stylized letter ε described in paragraph 1 above, being a letter P of the same dimensions as the letter ε.

(2) The following is an example of the sign of EEC limited pattern approval, in the form appropriate for an EEC limited pattern approval granted in the United Kingdom.



(3) Paragraph 1(3) above applies to that part of the sign of EEC limited pattern approval which is the same as the sign of EEC pattern approval.

3.—(1) The sign of exemption from EEC pattern approval is the same as the sign of EEC pattern approval except that—

(*a*) the stylized letter ε is reversed symmetrically about a vertical axis; and

(*b*) any number appearing in the lower part of that letter is the reference number (if any) for the category of instruments in question given in the relevant Directive.

(2) The following is an example of the sign of exemption from EEC pattern approval, in the form appropriate for an instrument constructed in the United Kingdom.



(3) In the case of an instrument constructed in the United Kingdom and not subject to EEC pattern approval, the lower part of the sign of exemption from EEC pattern approval shall be left blank if no reference number for the category of instruments in question has been given by the relevant Directive.

4.—(1) The sign of EEC pattern approval and exemption from EEC initial verification is the same as the sign of EEC pattern approval in a hexagon.

(2) The following is an example of the sign of EEC pattern approval and exemption from EEC initial verification in the form appropriate for an EEC pattern approval granted in the United Kingdom.



The EEC marks

5.—(1) The mark of EEC initial verification is composed of two stamps, described respectively in sub-paragraphs (2) and (3) below.

(2) The first stamp consists of a letter ' e ' containing—

(*a*) in the upper half, the distinguishing capital letter of the State where the examination to determine whether the stamp should be applied is carried out (B for Belgium, DK for Denmark, D for the Federal Republic of Germany, F for France, IR for Ireland, I for Italy, L for Luxembourg, NL for the Netherlands and UK for the United Kingdom) together, where necessary, with one or two figures identifying a territorial or administrative sub-division and

(*b*) in the lower half, the identification number of the verifying agent or office.

(3) The second stamp consists of the last two digits of the year when the examination to determine whether the stamp should be applied is carried out, in a hexagon.

(4) The shape and dimensions of the elements of the mark of EEC initial verification are given in the annex to this Schedule, and an example of the mark, in the form appropriate for an EEC initial verification carried out in the United Kingdom, is also given.

(5) Any mark applied in the United Kingdom as a mark, or part of a mark, of EEC initial verification shall conform to the requirements of the Annex to this Schedule with respect to the shape and dimensions of the elements of the mark.

(6) In the case of a United Kingdom mark of EEC initial verification, the identification number in the lower half of the letter ' e ' which constitutes the stamp described in sub-paragraph (2) above shall be the identification number of the person carrying out the examination.

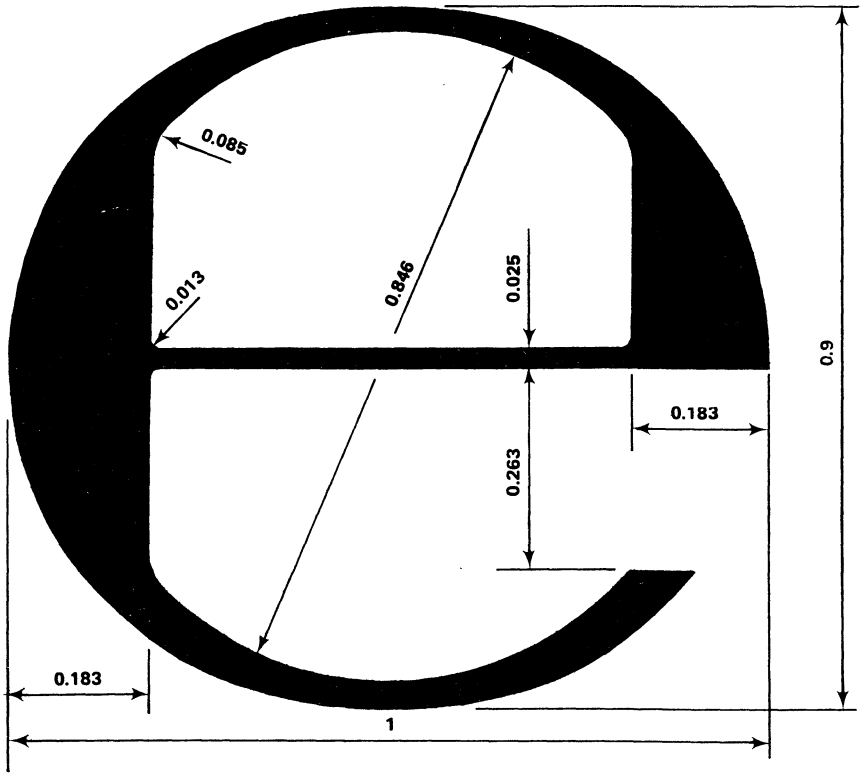
6.—(1) The mark of EEC partial verification consists solely of the first of the two stamps which constitute the mark of EEC initial verification, and the relevant provisions of paragraph 5 above shall apply accordingly.

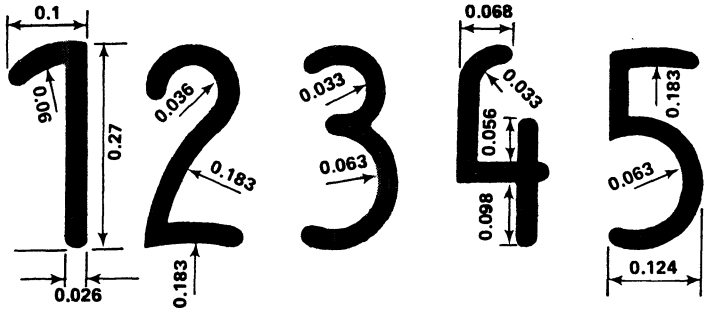
(2) The mark of EEC partial verification also serves as a seal.

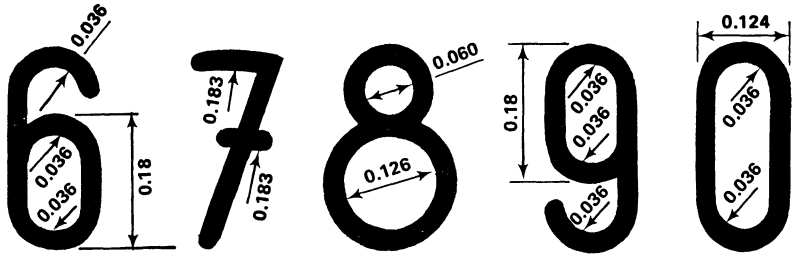
Annex

The attached drawings show the shape, dimensions and out-line of the letters and numbers for the mark of EEC initial verification and the mark of EEC partial verification. Drawing A shows the constituent parts of the stamp described in paragraph 5(2) above; the mark of EEC partial verification described in paragraph 6 above consists of this stamp only. Drawing B shows the constituent parts of the second stamp, described in paragraph 5(3) above. Drawing C is an example of the mark of EEC initial verification, consisting of the stamp described in paragraph 5(2) above, and that described in paragraph 5(3)above.

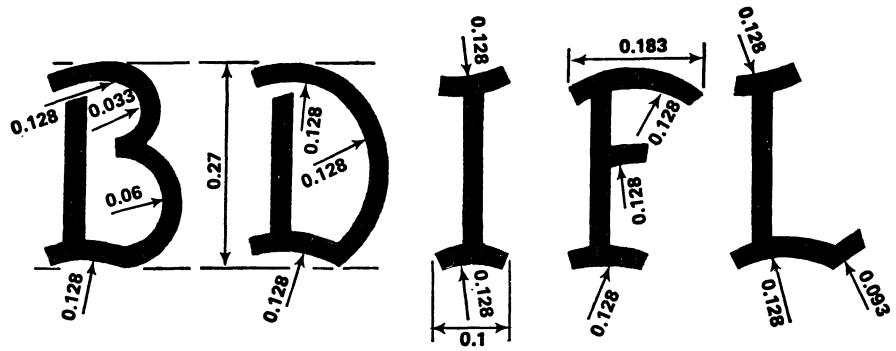
The dimensions given in the drawings are relative values; they are a function of the diameter of the circle described about the letter ' e ' and about the field of the hexagon. The actual diameter of the describing circles shall be chosen from 1·6 mm, 3·2 mm, 6·3 mm and 12·5 mm.

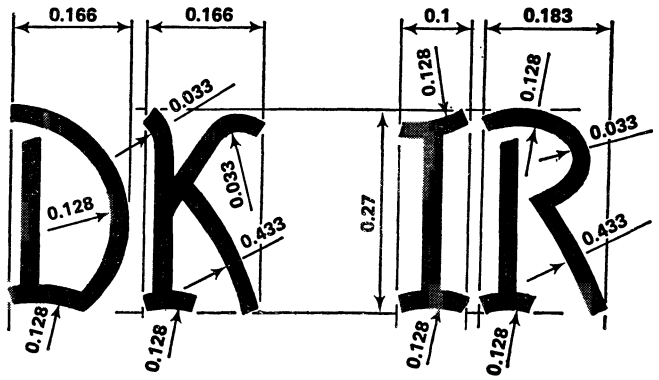

0.085
0.013
0.846
0.025
0.9
0.183
0.263
0.183
1

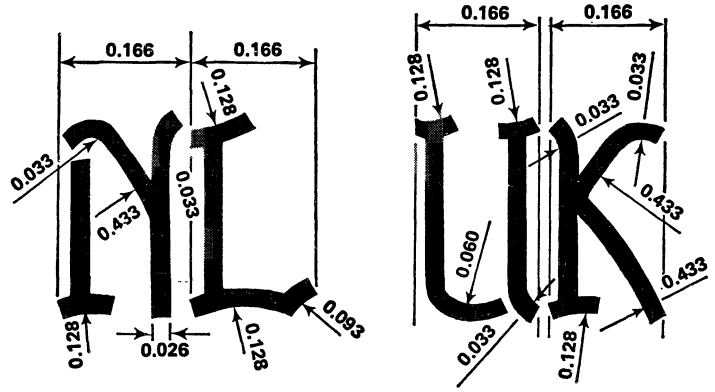

0.1
90°0
0.27
0.026
0.036
0.183
0.183
0.033
0.063
0.068
0.033
0.056
0.098
0.183
0.063
0.124


0.036
0.036
0.036
0.18
0.183
0.183
0.060
0.126
0.18
0.036
0.036
0.036
0.124
0.036
0.036

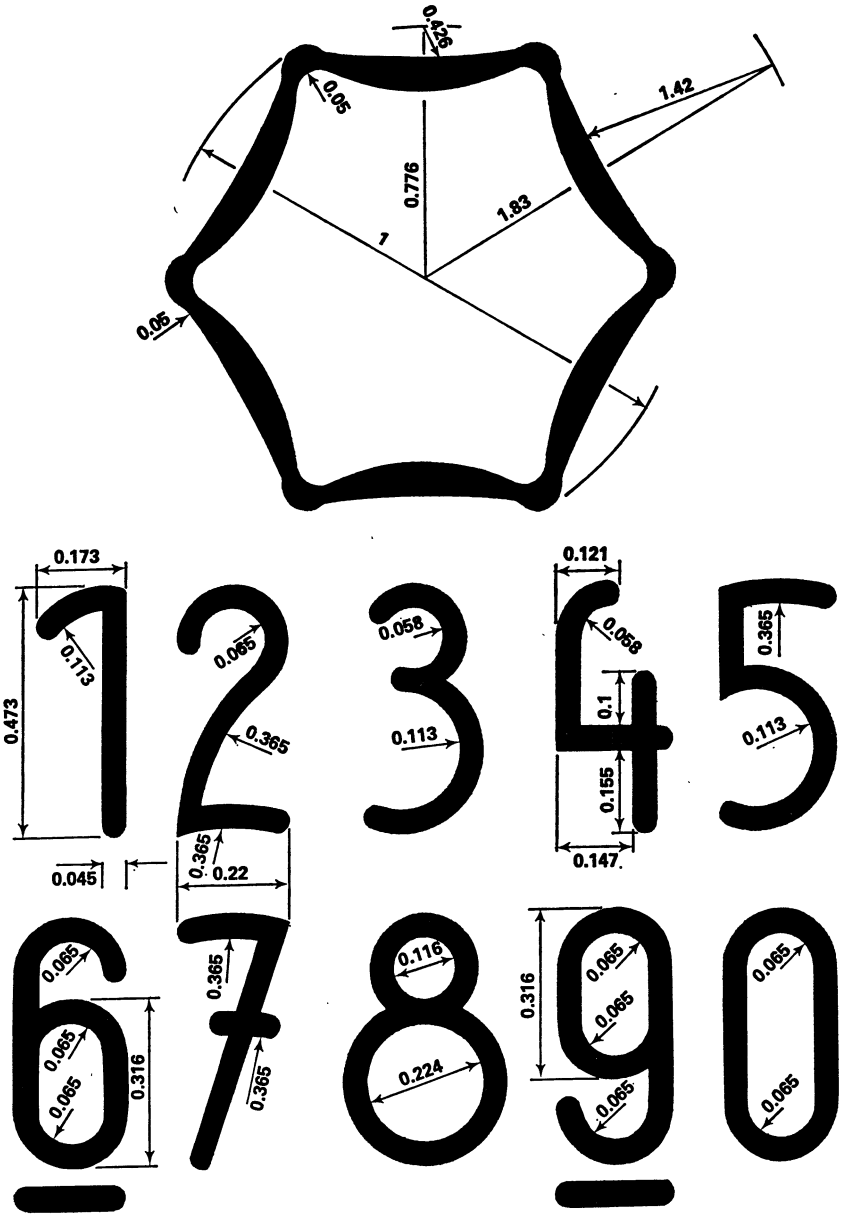
DRAWING 'A'





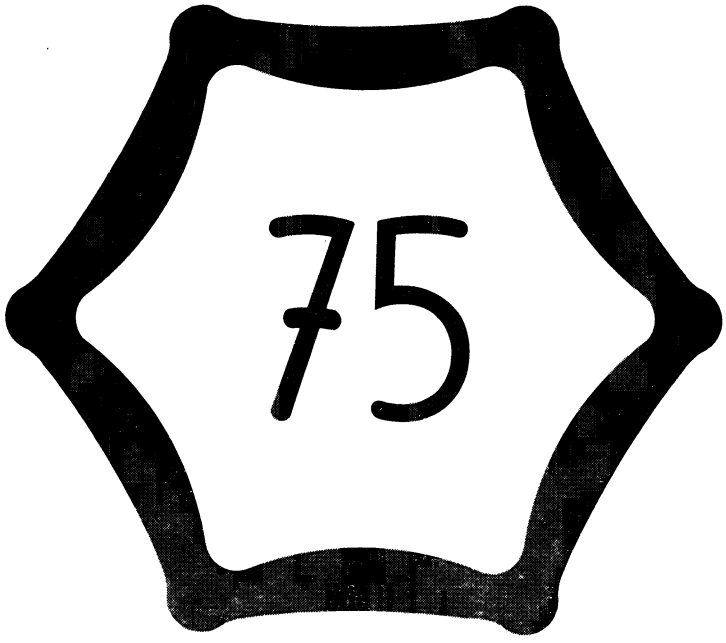


DRAWING 'A' (continued)


0.426
0.05
1.42
0.776
1.83
1
0.05
0.173
0.473
0.113
0.065
0.365
0.045
0.365
0.22
0.058
0.113
0.121
0.058
0.1
0.155
0.147
0.365
0.113
0.065
0.065
0.065
0.316
0.365
0.116
0.224
0.316
0.065
0.065
0.065
0.065
0.065

Drawing 'B'





Drawing 'C'

SCHEDULE 2

EEC Pattern Approval

Application for EEC pattern approval

1. An application—

(*a*) for EEC pattern approval; or

(*b*) for extension of an EEC pattern approval;

shall be in such form, and contain or be accompanied by such information and documents, as the Secretary of State may require.

Examination for EEC pattern approval

2.—(1) Any examination for the purposes of regulation 7 above shall consist of such studies and tests of instruments of the pattern to which the application relates (both as respects construction and functioning) and of the design to which instruments of that pattern are constructed as are in the opinion of the Secretary of State necessary in order to determine whether instruments of the pattern in question satisfy the measurement characteristics and the technical design and functioning requirements laid down by the relevant Directive.

(2) A pattern shall not be approved under these regulations unless the examination carried out under this paragraph indicates that instruments of the pattern in question will maintain the measurement characteristics required by the relevant Directive under normal conditions of use.

(3) The Secretary of State may require the applicant to provide such facilities and assistance as appear to him to be necessary for carrying out the examination under this paragraph.

Certificate of EEC pattern approval

3.—(1) A certificate of EEC pattern approval—

(*a*) shall give the results of the examination of the pattern;

(*b*) if it relates to ancillary equipment, shall specify the pattern of instrument to which the equipment may be attached or in which it may be incorporated and any requirements authorised by the relevant Directive as to the functioning of any instrument for which it is approved when the equipment is so attached or incorporated;

(*c*) may, where authorised by the relevant Directive, impose requirements or restrictions in addition to the requirements of the relevant Directive, or vary or disapply any of the requirements of the relevant Directive;

(*d*) may or (as the case may be) shall make provision for any other matter for which provision is authorised or required by the relevant Directive to be made in a certificate of pattern approval relating to instruments of a category to which it applies; and

(*e*) shall contain any particulars required by the relevant Directive.

(2) A certificate that relates to an EEC pattern approval which is subject to any restriction on its period of validity or to any condition imposed under regulation 8(2) or 9(2) above shall give particulars of the restriction or condition.

(3) The certificate shall include—

(*a*) in a case falling within sub-paragraph (2) above the United Kingdom sign of EEC limited pattern approval;

(*b*) in any other case, the United Kingdom sign of EEC pattern approval;

being in either case the sign which is appropriate to the particular pattern approval in question.

(4) The certificate shall have annexed to it descriptions, drawings and diagrams necessary to identify the pattern and to explain its functioning.

Deposit of sample instrument

4.—(1) Without prejudice to paragraph 2(3) above, if the relevant Directive requires a sample instrument to be supplied for retention by the metrological service considering an application for EEC pattern approval, the Secretary of State may, on granting an EEC pattern approval under these regulations. either—

(*a*) retain any instrument supplied as a sample instrument of the pattern in question; or

(*b*) require instead the deposit of parts of an instrument of that pattern, or of scale models or drawings of such an instrument.

(2) If the Secretary of State requires the deposit of parts of an instrument or of scale models or drawings instead of retaining a sample instrument he shall include a statement to that effect in the certificate of pattern approval.

Extension of EEC pattern approval

5. If on extending an EEC pattern approval the Secretary of State imposes any restriction on the period of extension or any condition under regulation 8(2) or 9(2) above he may amend the certificate of pattern approval and any documents annexed thereto in any manner that appears to him to be appropriate.

SCHEDULE 3

EEC Initial Verification

General

1. Any examination carried out by an inspector for the purposes of EEC initial verification shall relate in particular, in accordance with the requirements of the relevant Directive, to—

(*a*) the measurement characteristics of the instrument;

(*b*) the maximum permissible errors laid down by the relevant Directive;

(*c*) the construction of the instrument, with regard to ensuring that the measurement characteristics do not deteriorate to any material degree under normal conditions of use; and

(*d*) the presence of any inscriptions required by the relevant Directive and the correct positioning of any plug, seal or plate designed for use for the reception of an EEC mark.

Stages of EEC initial verification

2.—(1) EEC initial verification shall be carried out in one stage on instruments which can be transferred from the factory where their construction was completed to their place of installation in working order and without first having to be dismantled.

(2) EEC initial verification shall be carried out in two or more stages for instruments whose correct functioning depends on the conditions in which they are installed or used.

(3) In a case falling within sub-paragraph (2) above, an inspector shall not cause to be affixed the mark of EEC partial verification at any stage before the instrument has been installed unless he is satisfied—

(*a*) where EEC pattern approval is required for instruments of the category in question, that an EEC pattern approval is in force with respect to the instrument and that the instrument conforms in respect of design and construction to the approved pattern; or

(*b*) where the instrument belongs to a category exempt from EEC pattern approval, that it conforms in respect of design and construction to the requirements of the relevant Directive.

(4) The application of the preceding provisions of this paragraph in relation to the initial verification of any instrument is subject to any provision made by the relevant Directive with respect to initial verification of instruments of the category to which it belongs; and an inspector carrying out an initial verification shall comply with any requirements of the relevant Directive as to the manner in which initial verification of instruments of a category to which it applies shall be conducted.

Place of EEC initial verification

3.—(1) In a case falling within paragraph 2(1) above, the examination for EEC initial verification shall be carried out at a place determined in accordance with the relevant Directive or, where the relevant Directive makes no provision in that respect, at a place chosen by the inspector dealing with the application.

(2) In a case falling within paragraph 2(2) above, the examination for the final stage of verification shall be carried out at the place of installation and any other examination of the instrument at an earlier stage which falls to be made in the United Kingdom shall be carried out as mentioned in sub-paragraph (1) above.

(3) An inspector carrying out any examination for the purposes of EEC initial verification may require the applicant to provide such facilities and assistance as appear to him to be necessary for carrying out the examination, and may also require the applicant to provide him with a copy of any certificate of EEC pattern approval, and any documents annexed thereto, which relates to the instrument under examination.

Application of the EEC marks

4.—(1) Where an EEC initial verification is carried out in one stage, the mark to be affixed in accordance with regulation 13 above shall be the mark of EEC initial verification.

(2) Where an EEC initial verification is carried out in more than one stage the mark to be so affixed shall be—

(*a*) at any stage before the final stage, the mark of EEC partial verification;

(*b*) at the final stage, the mark of EEC initial verification.

(3) An inspector who adds the second stamp described in paragraph 5 of Schedule 1 to these regulations to a mark of EEC partial verification shall be regarded for the purposes of these regulations as affixing the mark of EEC initial verification.

(4) An inspector shall comply with any requirements of the relevant Directive as to the place where any EEC mark is to be affixed on any instrument.

SCHEDULE 4

RELEVANT LIMITS OF ERROR FOR INSTRUMENTS IN SERVICE

The maximum permissible errors for instruments in service of a category to which a Directive mentioned in the first column of the following Table applies shall be the errors prescribed in relation to that Directive in the second column of the Table.

Directive	Maximum permissible errors in service
The Directive on medium accuracy bar weights and cylindrical weights.	The maximum permissible errors in excess set out in the table in item 7 of Annex I to the Directive shall be the maximum permissible errors both in excess and in deficiency in the case of instruments in service.
The Directive on meters for liquids other than water.	The maximum permissible errors in deficiency for an instrument in service shall be the amounts determined in accordance with items 1, 2 and 3 of Chapter II of the Annex to the Directive and applicable both in excess and in deficiency on initial verification, and the maximum permissible errors in excess for an instrument in service shall be twice those amounts.
The Directive on the measuring of the standard mass per storage volume of grain.	The maximum permissible errors in service shall be the maximum permissible errors set out in the Directive.
The Directive on ancillary equipment for meters for liquids other than water.	The maximum permissible errors in service shall be those laid down by any one or more of the following provisions of the Annex to the Directive ,that is to say— (*a*) item 4.9 of Chapter IV; and (*b*) items 5.10, 5.13.1 and 5.13.2 of Chapter V; which is applicable in the circumstances of the case.
The Directive on above-medium accuracy weights.	The maximum permissible errors in excess for class F_2 and M_1 weights in service shall be the maximum permissible errors set out in the table in item 4.1 of the Annex to the Directive and applicable both in excess and in deficiency on initial verification, and the maximum permissible errors in deficiency for weights of those classes in service shall be twice the maximum permissible errors in excess.

SCHEDULE 5

ADAPTATIONS FOR NORTHERN IRELAND

1. In regulation 4, the definition of " local weights and measures authority " shall be omitted.

2. In regulation 13, for paragraphs (1) and (9) there shall be substituted respectively the following:—

" (1) An application for consideration of any instrument for EEC initial verification shall be made to an inspector in such manner as the Department of Commerce for Northern Ireland may direct and shall be subject to the payment of such fee as may be prescribed by, or determined under, regulations made under Section 56 of the Finance Act 1973.";

" (9) In the case of an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies the application for EEC initial verification shall be made to the Secretary of State, and the preceding provisions of this regulation and the provisions of Schedule 3 shall have effect as if references to an inspector and to the Department of Commerce for Northern Ireland were references to the Secretary of State.".

3. In regulation 20—

(*a*) in paragraph (5), after the words " owner of an instrument " there shall be inserted the words " and on payment of such fee as may be prescribed by, or determined under, regulations made under Section 56 of the Finance Act 1973 ";

(*b*) in paragraph (7), the reference to the Secretary of State shall be a reference to the Department of Commerce for Northern Ireland; and

(*c*) in paragraph (8), subparagraph (*b*) shall be omitted.

4. In regulation 22—

(*a*) in paragraphs (1) and (2), the words " within the area for which he was appointed inspector " shall be omitted;

(*b*) for paragraph (7) there shall be substituted the following:—

" (7) In this regulation " credentials ", in relation to an inspector, means some duly authenticated document showing that he is authorised to act as an inspector.".

5. For regulation 25 there shall be substituted the following:—

" 25. No proceedings for an offence under these regulations may be instituted except by the Department of Commerce for Northern Ireland or the Attorney General for Northern Ireland.".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement Council Directive No. 71/316/EEC (O.J. No. L202, 6.9.1971, p. 1 (O.J./S.E. 1971 (II), p. 707)), as amended (Council Directive No. 72/427/EEC. O.J. L291, 28.12.1972, p. 156 (O.J./S.E. 1972 (28–30 Dec.), p. 71)), relating to measuring instruments and methods of metrological control, and also the Council Directives referred to in regulation 4(1) in so far as they relate to particular categories of instruments.

The principal provisions of the Regulations are as follows:—

(1) Provision is made for the Secretary of State, on application being made for that purpose, to approve patterns of instruments which comply with the relevant Council Directive relating to that category of instruments (regulation 7);

(2) Provision is also made for the initial verification of measuring instruments to determine whether they comply with the approved pattern (if there is one), whether granted in the United Kingdom or in another Member State, and with the provisions of the relevant Council Directive, and for the application of the mark of EEC initial verification. Except in the case of instruments of a category to which the Council Directive on the measuring of the standard mass per storage volume of grain applies (when the application is to be made to the Secretary of State) the application for EEC initial verification is to be made to the local weights and measures inspector (regulation 13);

(3) The signs and marks relating to EEC pattern approval and to EEC initial verification are described (regulation 2 and Schedule 1) and examples are given;

(4) The prohibition on the use for trade etc. of weighing or measuring equipment of a class or description prescribed under section 11 of the Weights and Measures Act 1963, or section 5 of the Weights and Measures Act (Northern Ireland) 1967 is not to apply to measuring instruments bearing the sign of EEC pattern approval and exemption from EEC initial verification or the mark of EEC initial verification whether that sign or mark was applied in the United Kingdom or in another Member State (regulation 5);

(5) The particular categories of measuring instruments to which the regulations apply are described in regulation 3;

(6) The Regulations include provision for offences and penalties (regulations 21 and 26) in connection with the misuse of EEC signs and marks, and also include powers of inspection of measuring instruments, and entry of premises for the enforcement of the regulations (regulation 22).

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